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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,545	09/24/2003	Yuan Che Hsieh	INFN0002	5491

25235 7590 01/12/2005  
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EXAMINER
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KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/670,545

**Applicant(s)**

HSIEH ET AL.

**Examiner**

Alford W. Kindred

**Art Unit**

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 33-36, and 40-41 is/are pending in the application.
- 4a) Of the above claim(s) 18-32 and 37-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 33-36, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/12/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: Application filed on 09/24/03.

### ***Election/Restrictions***

2. During a telephone conversation with Stuart Langley on 1/5/05 a provisional election was made without traverse to prosecute the invention of managing a product distribution channel, claims 1-17, 33-36, and 40-41. Affirmation of this election must be made by applicant in replying to this Office action. Claims 18-32 and 37-39 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-17, 33-36, and 40-41 rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al., US# 2004/0199506 A1.

As per claims 1, 9 Shaffer et al. teaches "one or more reference records within the reference record databases, each reference record providing an association between business information and spatial data for a specific channel participant" (see paragraphs [0061], [0146], and [0240]) "transaction data related to at least one channel participant . . . accessing one or more candidate reference records using spatial and business data . . ." (see paragraphs [0061] and [0116]) "a spatial matching mechanism for matching a subset of the candidate reference records to the transaction data" (see paragraphs [0061] and [0149] and [0064]).

As per claim 2, Shaffer et al. teaches "a consumer of the product who receives the product from the distribution channel" (see paragraphs [0064] and [0122]).

As per claims 3-4, Shaffer et al. teaches "a producer of the product who places the product in the distribution channel" (see paragraphs [0046] and [0115]).

As per claim 5, Shaffer et al. teaches "a reseller such as a dealer, agent, branch and the like" (see paragraphs [0122]).

As per claims 6-7, Shaffer et al. teaches "a geo-coding mechanism operable to determine street-level spatial data from the transaction data" (see paragraphs [0061] and [0116]).

As per claim 8, Shaffer et al. teaches "determines location information from the transaction data" (see paragraph [0116]).

As per claims 10-12, Shaffer et al. teaches "a reference identifier identifying the channel participant; a business name; and spatial information with predetermined accuracy" (see paragraphs [0146]-[0149]).

As per claims 13-15, Shaffer et al. teaches "a lexical matching process operable to correlate non-spatial data in the transaction record with non-spatial data in the candidate reference records . . ." (see paragraphs [[0061] and [0116]).

As per claims 16-17, Shaffer et al. teaches a selection process operable to select a candidate reference record based on the generated score exceed a pre-selected threshold vale . . ." (see paragraphs [0120], [0122] and [0182]).

As per claims 33-34, this claim is rejected on grounds corresponding to the arguments given above for rejected clam 1 and is similarly rejected including the following:

--Shaffer et al. teaches "geo-coding location data within the transaction record to determine a spatial identifier . . ." (see paragraphs [00061] and [0182]).

As per claim 35, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 13-14 and are similarly rejected.

As per claim 36, this claim is rejected on grounds corresponding to the arguments given above for rejected claims 10-11 and are similarly rejected.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100